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In re Application of  
Horwitz et al.  
Application No. 09/516,337  
Filed: March 1, 2000  
Attorney Docket No. 42390.P7257

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 4, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-final Office action mailed January 23, 2004. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on April 24, 2004. A Notice of Abandonment was mailed October 4, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the authorization to charge the \$950.00 extension of time fee was submitted subsequent to the maximum extendable period for reply on November 4, 2004, this fee is unnecessary and will not be charged to petitioner's deposit account.

This matter is being referred to Technology Center 2600 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase  
Petitions Examiner  
Office of Petitions  
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for Patent Examination Policy